

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER KALEJAIYE AJAYI (6),

Defendant.

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§

Criminal No. 4:20-cr-290-O

**MOTION FOR RECONSIDERATION OF ORDER
DISMISSING MOTION FOR COMPASSIONATE RELEASE**

COMES Defendant, **CHRISTOPHER KALEJAIYE AJAYI** (“Ajayi”), and files his Motion for Reconsideration of Order Dismissing Motion for Compassionate Release, and would show as follows:

PRELIMINARY STATEMENT

As a preliminary matter, Ajayi respectfully requests that this Court be mindful that *pro se* litigants are entitled to liberal construction of their pleadings. See *Morris v. Livingston*, 739 F.3d 740 (5th Cir., 2014) (“*Pro se* pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed.”); *Haines v Kerner*, 404 U.S. 519, 520 (1972).

RELEVANT BACKGROUND

On Ajayi’s Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A) and First Step Act of 2018. See ECF No. 2162.

On December 11, 2023, the Court issued an Order “DISMISSED without prejudice to refile after exhausting administrative remedies” Ajai’s Compassionate Release Motion Ajayi’s Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A) and First Step Act of 2018. See ECF No. 2166.

REASON FOR RECONSIDERATION

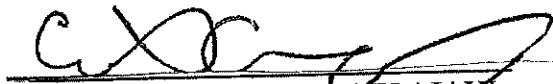
With all due respect to the Court, Ajai forgot to include his request for administrative remedy to the Warden at FCI Bastrop with his original motion. Please see **Exhibit-I** – Ajai’s request for administrative remedy dated May 31, 2023. This should cure my failure to enclose it with the original Compassionate Release Motion Ajai’s Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A) and First Step Act of 2018. The Warden’s Response lapsed thirty (30) days from when the original administrative remedy was filed.

Further, Ajai states that his health has deteriorated since he has been at FCI Bastrop because of inadequate treatment. He has attached his recent medical ailments and conditions. See **Exhibit--II**.

WHEREFORE, PREMISE CONSIDERED, Ajai’s Compassionate Release Motion Ajai’s Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A) and First Step Act of 2018 for the above and foregoing reason.

Respectfully submitted,

Dated: January 12, 2024


CHRISTOPHER KALELAJI AJAYI
REG. NO. 09833-509
FCI BASTROP
FEDERAL CORR. INSTITUTION
P.O. BOX 1010
BASTROP, TX 78602
Appearing *Pro Se*

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2024, a true and correct copy of the above and foregoing Motion for Reconsideration of Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A) and the First Step Act of 2018 was sent via First Class U. S. Mail, postage prepaid, to Laura Montes-DOJ, at Office of United States Attorney, 801 Cherry St, Unit 4, Burnett Plaza, Suite 1700, Fort Worth, TX 76102.


CHRISTOPHER KALEF AJAYI

To: MR. M. PALACIOS
(Administrative Remedy Coordinator)
FCI Bastrop

09833-519

EXHIBIT-I

I appreciate your response, however it is not completely accurate for the following reasons:

The BP-8 was dated 9/23/2023 at 1258 hrs, it was completed on 9/25/2023 and submitted to staff on 9/28/2023 but mistakenly dated 8/29/2023 by staff instead of 9/29/2023.

The BP-9 was completed and submitted on 10/5/2023 which is within 20 days of event. (20 days would be 10/23/2023).

I resubmit my request for review and consideration to address my urgent medical problems in my earlier correspondence.

TIME LINE OF REQUEST IS AS FOLLOWS:

- 5/31/2023 — 1st Initial Request to Warden
- 7/18/2023 — No response from the Warden to my request until I raised the issue with my team Manager (Ms. Alvarez) on 7/18/2023 during my team meeting.
- 6/30/2023 — Warden's letter dated 6/30/2023 was delivered back to me the next day 7/19/2023 after my meeting with Ms. Alvarez which I responded to via email same day 7/19/2023. (See attached)

The BP-8 delivered to me on 9/23/2023, submitted on 9/28/2023. The BP-9 delivered on 10/3/2023, submitted on 10/5/2023. I respectfully request you address each of the numbered topics in my BP-9 and what delay in service can have on my health considering my age, deteriorating conditions and worsening effects.

TRULINCS 09833509 - AJAYI, CHRISTOPHER KALEJAI - Unit: BAS-H-A

FROM: 09833509

TO: WARDEN

SUBJECT: ***Request to Staff*** AJAYI, CHRISTOPHER, Reg# 09833509, BAS-H-A

DATE: 05/31/2023 07:07:35 PM

To: ROSALES

Inmate Work Assignment: CHAPEL CLERK

I would like to request for a compassionate release or reduction in sentence for the reasons listed below.

1. Deterioration of my health due to diabetes, hypertension, hyperlipidemia, gall stones, and a hernia which requires immediate surgery.
2. My age being 73 years.
3. The burden of family on my wife and her age.
4. Various changes in the law pertaining to my case.

I will reside at my house with my wife, I will be placed on her insurance as well. I am not a threat to society, my custody level of low and my low recidivism will reflect that. I have no prior criminal history and plan not to have any further. I greatly appreciate your consideration and time.



U. S. Department of Justice

Federal Bureau of Prisons

Federal Correctional Institution

P.O. Box 730
Bastrop, Texas 78602

June 30, 2023

MEMORANDUM FOR CHRISTOPHER KALEJAIY AJAYI
REG. NO. 09833-509

FROM: G. Rosalee Warden

SUBJECT: Compassionate Release/Reduction In Sentence (RIS)

Consideration for your release, under the provisions of Title 18, United States Code, Section 3582 (c)(1)(A), and Bureau of Prisons Program Statement 5050.50, Compassionate Release/Reduction in Sentence, has been denied due to the fact you do not meet the criteria as outlined in policy.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner.

Your request has been evaluated under the Elderly Inmates With Medical Conditions category. A review of your recent medical summary reflects you have a diagnosis of Hypertension, Type 2 Diabetes Mellitus, Poly Neuropathy and Polyarthritis. Although you have the above referenced medical conditions and you are 73 years of age, you have completed only 21.5% of your sentence, you are able to perform instrumental activities of daily living (IADL) and your prognosis is good.

Medical staff will continue to monitor your conditions as clinically indicated. I suggest you work with your unit team and your designated medical team to address your needs, as they may arise. In compliance with Bureau of Prisons' Program Statement 5050.50, you may appeal this denial through the Administrative Remedy Program by submitting your concerns on the appropriate form within 20 days of the receipt of this response.

Exhibit 17-II

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Medical	DATE: 11/9/2021
FROM: Christopher Ajayi	REGISTER NO: 09833509
WORK ASSIGNMENT: Chapel	UNIT: 206

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

Request for Blood Sugar (Glucose) Test
 I like to request for Blood Sugar (Glucose) Test at least every other day if daily is not possible.
 I'm on Oral Diabetic medications namely Metformin 1000mg twice daily and Glipizide 10mg once daily.


Thanks

(Do not write below this line)

DISPOSITION:

you have been scheduled for daily sugar checks which are in the morning. It is recommended that you are fasting for the sugar checks.

R. Andrzejewski, FNP-C

Signature Staff Member 	Date NOV 18 2021
	FCI Bastrop, TX

Record Copy - File; Copy - Inmate
 (This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
 and BP-S148.070 APR 94

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) DR. Perez (Medical)	DATE: 2/8/2022
FROM: Christopher Ajayi	REGISTER NO.: 09833509
WORK ASSIGNMENT: CHAPEL	UNIT: 206

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

Request to see DR. Perez concerning my PAIN which on a scale of 1-10, it is 8, and also for Diabetes for which I'm daily dosed and administered of which average reading (daily) is 380+ from 1/28/22 to 2/7/22. Prior reading for self-administered from 12/30/21 to 1/19/22 138.2. I need adjustment of Diabetes to twice daily or as deemed fit by the Doctor.

On Pain, I need replacement for the Duloxetine, I suspected the Duloxetine was the cause of my low blood sugar, depletion of electrolytes due to Drug + Drug interaction causing all the untoward effects, since I stopped it, no such untoward effect, I'm unable to sleep because of the PAIN.

(Do not write below this line)

DISPOSITION:

You have been scheduled to see the physician as soon as possible.

Signature Staff Member D. Perez, MD	Date 02.10.2022
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Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94

- ②
- Chronic Pelvic Pain (this was as a result of gun injury sustained in 2016 during an aggravated robbery of my business)
 - Plantar Fasciitis in my legs as a result of circulation.
 - Clavicle and Neck Pain (Gun injury from 2016 episode)
 - Gall Stones

Diabetes - Type II - My Diabetes was adequately controlled prior to incarceration at Bastrop. It got worsened for some of the following reasons

- (1) No Diabetic diet, I have to be selective of what I eat as most daily food consisted of carbohydrates.
- (2) Not properly monitored, inability to test Blood sugar, initially I was told I couldn't test because I was not on Insulin but on oral hypoglycemics, after family intervention I was approved for daily checks but prior to incarceration, I tested 4 times daily. My family ~~offered~~ offered to send me a testing kit with no needles where I wouldn't have to use any needle, the GOP (medical) objected.

My daily glucose testing was withdrawn for a while pending further approval. When my A1C went to 9.8 which was a critical number, after months of not monitoring. Lack of testing regularly and diabetic diet made my diabetes worsened and my Laboratory results speaks for itself. My creatinine was high (critical) A1C - 9.8 (High or critical) so also are

Other parameters. ⁽³⁾

Now I have discoloration on my left foot probably due to circulation, despite frequent exercise and wearing of medical stocking, it is always heavy upon waking up and cases normally as I walk around.

Hernia - I was diagnosed with hernia about a month ago and still. This was confirmed by an outside surgeon, up till now, I'm still awaiting surgery. I'm always in pain and agony in most cases unable to sleep, I sleep sporadically waking up at intervals of 30 minutes to an hour. I was given some Lidocaine Patches which helped a little for the pain. (See e-mail to the Doctor).

Chronic Pelvic & Neck Pain - As a result of gun injury sustained on the 17th of August 2016 during an aggravated robbery of my pharmacy in which I was shot 4 times, once in the neck and 3 times in my left pelvic area. Prior to incarceration I was on Neurontin (Gabapentin) which was to prevent further nerve damage but the BOP would not continue the medication despite my attorney intervention with a letter to the Medical Department. This has resulted in atrophy to some nerves and pain which always prevent me from sleeping.

(4)
 - Chest Pain (Angina) - Experienced chest pain
 3 times since I have been here. The pain
 is always sudden, sharp and becomes dull.
 EKG is done few days afterwards that
 shows elevated Blood pressure and normal
 EKG.

These are some of the problems, my medical
 records has been requested, let me know if
 you want me to forward this to you or
 the Clerk of the Court.

My Current medications

Glipizide 10mg
 Metformin 1000mg
 Lisinopril 10mg
 Atorvastatin
 Lidocaine 5% Patches
 Naprosyn 250mg (OTC)
 Tamusulosin HCL 0.4mg
 Stockings (medical) for varicose veins
 Back brace

Over The Counter medications:

Vit C
 Vit E
 Vit B complex
 Tylenol

I enclose copies of some of my laboratory
 reports mentioned in my earlier request to staff,
 copies of rejection Notice #1178005-F1 from
 compassionate Release request dated 10/11/2023
 Thanks again for all you do, you are
 appreciated. Thanks Christopher.

PAGE 2

CONT'D FROM PAGE 1

WRITE YOUR COMPLAINT IN THIS SPACE, AS BRIEFLY AS POSSIBLE, INCLUDING DETAILS AND FACTS WHICH SUPPORT YOUR REQUEST.

1) PRIOR TO COMING HERE, EACH OF MY CONDITIONS: (TYPE II DIABETES, HYPERTENSION, GALL STONES, BACK PAIN, CHEST PAIN (ANGINA) AND HERNIA - REQUIRING SURGERY) WAS TREATED BY A SPECIALIST. HERE THAT CANNOT HAPPEN AND EACH OF THESE CONDITIONS HAS DETERIORATE, EVEN SOME OF MY MEDICATIONS WERE NOT APPROVED BY THE BOP, PUTTING ME AT SIGNIFICANT RISK. (PLEASE REFER TO MY PREVIOUS CORRESPONDENCE AND MEDICAL RECORDS FOR MORE DETAILS.)

2) WHAT ACTION DO YOU WISH TO BE TAKEN TO CORRECT THE SITUATION?

CONT'D FROM PAGE 1

FURTHER I WILL BE ABLE TO RETURN TO MY MEDICAL TEAM AT NO EXPENSE TO THE BOP USING MY WIFE'S HEALTH COVERAGE WHICH IS MORE COMPREHENSIVE AND COMPLETE THAN THAT WHICH IS AVAILABLE THROUGH THE BOP.

3) WHAT HAVE YOU DONE TO INFORMALLY RESOLVE THIS MATTER? TO WHOM HAVE YOU SPOKEN WITH?

CONT'D FROM PAGE 1

THEIR ABILITY TO HELP ME IS MOSTLY LIMITED TO MEDICATIONS — A TREATMENT FALLING SHORT OF WHAT I NEED, EVEN SOME OF MY PREVIOUS MEDICATIONS WERE NOT APPROVED BY THE BOP. I HAVE FURTHER MET WITH MY TEAM HERE AT FCI BASTROP TO ADDRESS THIS MATTER. I NOW SEEK REDRESS TO THIS MATTER VIA BP-9.

THANK YOU.



FMC Butner
1000 Old Highway NC 75
Butner, NC 27509
919-575-3900 x5707

*** Sensitive But Unclassified ***

Name AJAYI, CHRISTOPHER	Facility FCI Bastrop	Collected 01/25/2023 10:07 CST,
Reg # 09833-509	Order Unit H02-206L	01/25/2023 10:09 CST
DOB 02/01/1950	Provider R. Gupta, MD	Received 01/26/2023 08:52 CST
Sex M		Reported 01/26/2023 12:36 CST
		LIS ID 334222663

CHEMISTRY

Sodium		139	136-145	mmol/L
Potassium		4.5	3.5-5.1	mmol/L
Chloride		103	98-107	mmol/L
Carbon Dioxide		26	21-32	mmol/L
Urea Nitrogen (BUN)		18	7-26	mg/dL
Creatinine	H	1.33	0.60-1.30	mg/dL
eGFR (CKD-EPI 2021)		56		
GFR units measured as mL/min/1.73m ²				
A calculated GFR <60 suggests a chronic kidney disease if found over a 3 month period.				
Calcium		9.5	8.4-10.2	mg/dL
Glucose	H	112	70-109	mg/dL
AST		18	5-34	U/L
ALT		18	8-55	U/L
Alkaline Phosphatase		63	40-140	U/L
Bilirubin, Total		0.5	0.2-1.0	mg/dL
Protein, Total		7.3	6.4-8.3	g/dL
Albumin		4.5	3.5-5.0	g/dL
Globulin		2.8	2.3-3.5	g/dL
Albumin/Globulin Ratio		1.61	1.00-2.30	
Anion Gap		10.0	9.0-19.0	
BUN/Creatinine Ratio		13.2	5.0-30.0	
Cholesterol, Total		136	<200	mg/dL
Triglycerides		68	<150	mg/dL
HDL Cholesterol	L	28	40-60	mg/dL
LDL-Cholesterol		94	<130	mg/dL
Chol/HDL Ratio	H	4.8	0.0-4.0	

HEMOGLOBIN A1C

Hemoglobin A1C	H	9.5	4.0-5.7	%
5.7 - 6.4 Increased Risk				
> 6.4 Diabetes				

FLAG LEGEND L=Low LI=Low Critical H=High HI=High Critical A=Abnormal AI=Abnormal Critical

TRULINCS 09833509 - AJAYI, CHRISTOPHER KALEJAI - Unit: BAS-D-A

FROM: HEALTH SERVICES
TO: 09833509
SUBJECT: RE:***Inmate to Staff Message***
DATE: 10/03/2023 03:02:03 AM

Your visit has been approved. We are awaiting a date from the provider. You will be seen as soon as possible.

From: ~^! AJAYI, ~^!CHRISTOPHER KALEJAIY <09833509@inmatemessage.com>
Sent: Sunday, October 1, 2023 1:17 AM
Subject: ***Request to Staff*** AJAYI, CHRISTOPHER, Reg# 09833509, BAS-D-A

To: DR. GUPTA
Inmate Work Assignment: UNICOR-RETRO

I understand you have me scheduled in a month's time, my hernia has gotten worse. I now experience awful pain in the right pelvic to my back. The pain is intense especially at night, I could only lay in bed by the left side, sitting down or getting up is a great challenge as the pain gets intense and unbearable. The pain affects my sleep as I sleep sporadically waking up every 30 to 40 minutes in agony and pain each time.
I will appreciate if I could be seen sooner.

Thanks very much for your consideration.

CHRISTOPHER KALEJAIY AJAYI
REG. NO. 09833-509
FCI BASTROP
FEDERAL CORR. INSTITUTION
P.O. BOX 1010
BASTROP, TX 78602

January 9, 2024

Ms. Karen Mitchell
Clerk of Clerk
U. S. District Court
Northern District of Texas
Fort Worth Division
501 West 10th Street, Room 310
Fort Worth, TX 76102-3673

RE: *Ajayi v. United States*
Crim No. 4:20-cr-00290-O-6

Dear Ms. Mitchell:

Enclosed please find and accept for filing Defendant's Motion for Reconsideration of Order Dismissing Motion for Compassionate Release Please submit this motion to the Court.

Thank you for your assistance in this matter.

Sincerely,


CHRISTOPHER KALEJAIY AJAYI
Appearing *Pro Se*

Encl. as noted

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P.O. BOX 1010
BASTROP, TX 78602

TO:

Ms. Karen Mitchell, Clerk of Clerk
U. S. District Court
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Fort Worth Division
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